

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

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Federal Communications Commission
Office of General Counsel

In the Matter of)

The Use of N11 Codes and)
Other Abbreviated Dialing)
Arrangements)

CC Docket No. 92-105

COMMENTS OF THE
CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION

Pursuant to the Commission's Rules, the Cellular Telecommunications Industry Association ("CTIA")¹ hereby submits its comments in response to Petitions for Reconsideration of the Order in this proceeding.² Specifically, CTIA opposes the contention raised by the International Association of Fire Chiefs and the International Municipal Signal Association ("IAFC/IMSA") that CMRS providers are not required to provide 311 dialing capability and that this exempt status will cause confusion among wireless customers in accessing non-emergency services

¹ CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service ("CMRS") providers, including 48 of the 50 largest cellular, broadband personal communications services ("PCS"), enhanced specialized mobile radio, and mobile satellite services. CTIA represents more broadband PCS carriers and more cellular carriers than any other trade association.

² First Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 92-105, FCC 97-51 (released February 19, 1997) ("Order and Further Notice").

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via wireless phones.³ Additionally, CTIA agrees with BellSouth that the Commission should address certain technical issues regarding the implementation of 311 by wireless carriers in order to clarify the distinction between 311 and 911 service.⁴

I. The Commission's Order Does not Generate Confusion About the Use of 311 By Exempting Wireless Carriers from 311 Obligations

The IAFC/IMSA erroneously asserts that the Commission's Order exempts CMRS providers from 311 obligations.⁵ In fact, the Commission explicitly states that a "provider of telecommunications services" must take any steps necessary to complete 311 calls to a requesting 311 entity in its service area within six months of a request.⁶ The Commission does not limit a "provider of telecommunications services" to wireline providers, nor does the Commission at anytime specifically exclude wireless carriers from any such definition.

The Commission does, however, distinguish between the 311 and 911 service, as each applies to wireless carriers. Specifically, the Commission states that "311 should be used to provide a non-emergency service that is distinct from 911 service."⁷ This statement means exactly what it says -- 311

³ See IAFC/IMSA Petition at 5-6.

⁴ See BellSouth Petition at 6-7.

⁵ IAFC/IMSA Petition at 5-6.

⁶ Order at ¶ 35.

⁷ Order at ¶ 43.

non-emergency service is separate and distinct from 911 emergency service and, hence, carriers are not required to provide the same features or the same terms for 311 service that they do for 911 emergency service. The Commission does not state or imply that wireless providers are exempt from providing 311 service. If anything, the mere fact that the Commission addresses the different obligations imposed on CMRS providers for 311 and 911 underscores CMRS providers' obligation to provide 311 dialing capability. As such, the argument of the IAFC/IMSA that the Commission's Order will cause confusion about the use of 311 with wireline versus wireless phones is wholly inaccurate and should be disregarded.

II. The Commission Should Address the Technical Concerns Regarding Implementation of 311 By Wireless Carriers Raised by BellSouth

In contrast to the unwarranted concerns raised by the IAFC/IMSA, BellSouth identifies several significant issues that the Commission should address in its rules governing 311 service. Specifically, BellSouth asks the Commission to clarify that CMRS providers are not required to provide Automatic Number Identification ("ANI") or wireless caller location information to the local service provider, and are not required to provide 311 dialing capability to non-subscribers or roamers in the absence of a roaming agreement.⁸ These functionalities are not of crucial

⁸ See BellSouth Petition at 7.

importance in a non-emergency situation and hence should not be required in the routing of 311 calls.⁹ In recognizing the distinctions between 311 and 911 service, the Commission established a general framework for a non-emergency service. The Commission should now set forth the basic guidelines that naturally flow from this framework so that carriers may build their systems accordingly.

Additionally, the Commission should clarify that CMRS carriers may charge 311 service providers for 311 service, and may charge their subscribers for 311 calls.¹⁰ In its Order, the Commission determined that cost recovery and funding for 311 service would be handled by states and localities *in most instances*.¹¹ The Commission indicated, however, that state rate regulation of CMRS carriers does not apply in this instance, given the states' lack of jurisdiction over CMRS rate regulation.¹² Hence, the Commission should specify that CMRS carriers may charge subscribers for 311 calls.

⁹ Id.

¹⁰ Id. at 8.

¹¹ Order at ¶ 42.

¹² The Commission explicitly noted that Section 332(c)(3) of the Communications Act preempts state regulation of rates and entry for CMRS and that the Commission has determined that it would be in the public interest to forbear from imposing tariffing requirements on CMRS providers. See Order at n.160.

CONCLUSION

For the foregoing reasons, the Commission should dismiss the IAFC/IMSA's argument that wireless carriers are not required to provide 311 dialing capabilities.

Furthermore, the Commission should clarify that CMRS carriers (1) are not required to provide ANI or wireless caller location information to the local service provider; (2) are not required to provide 311 dialing capability to non-subscribers or roamers in the absence of a roaming agreement; and (3) may charge their subscribers for 311 service.

Respectfully submitted,

**CELLULAR TELECOMMUNICATIONS
INDUSTRY ASSOCIATION**


Wendy C. Chow
Staff Counsel

Michael F. Altschul
Vice President and General Counsel

Randall S. Coleman
Vice President, Regulatory Policy & Law

1250 Connecticut Avenue, N.W.
Suite 200
Washington, D.C. 20036
(202) 785-0081

April 23, 1997

CERTIFICATE OF SERVICE

I, Karen D. Simão, hereby certify that on this 23rd day of April, 1997, copies of the foregoing Comments of the Cellular Telecommunications Industry Association were served upon the parties listed below.

KD Simão

Karen D. Simão

Mr. William Caton¹
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

International Transcript Service²
1919 M Street, N.W., Room 246
Washington, D.C. 20554

Mr. Robert Sutherland
Mr. Theodore R. Kingsley
BellSouth Corporation
1155 Peachtree Street, N.E.
Atlanta, Georgia 30309-3610

Mr. Martin W. Bercovici
Ms. Susan M. Hafeli
Keller and Heckman, LLP
1001 G Street, N.W.
Suite 500 West
Washington, D.C. 20001

¹ Served by hand delivery.
² Served by hand delivery.